

REMARKS

Claims 1-86 were pending in the application. Claims 79 and 82 are cancelled herein. New Claims 87 and 88 are presented herein. Accordingly, Claims 1-78, 80-81 and 83-88 are now pending in the application. Claims 1, 20, 31, 50, 61 and 83 are amended herein. While Applicant disagrees with the current rejections, Applicant has amended the claims to expedite prosecution. Applicant reserves the right to pursue the claims as originally filed in one or more continuing applications. Support for the amendments to the claims and the new claim can be found throughout the drawings and the specification. As such, no new matter is added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

INTERVIEW SUMMARY

Applicant would like to thank the Examiner for courtesy extended during the in person Interview on March 18, 2009. Applicant's representative Jeffrey Chapp and Examiner Martin Jeriko P. San Juan participated in the Interview. No exhibit or demonstration was conducted. The claims and references mentioned below were generally discussed. During the interview, the Examiner appeared to agree that the claims as previously presented overcome the 35 U.S.C. § 112 rejections.

REJECTION UNDER 35 U.S.C. § 112

Claim 80

Claim 80 stands rejected under 35 U.S.C. § 112, second paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

The Examiner alleges that there is no support in Applicant's specification for a public key that is used to generate a content key. Applicant disagrees.

Fig. 3A of the application discloses a public key decryption module 84 that receives an encrypted content key and generates a content key. Paragraph [0028], line 9, of the application discloses a private key that is used to generate a public key. This is performed by the public key decryption module 84, referred to in line 7 of paragraph [0028]. Paragraph [0029] of the application discloses that the public key decryption module 84 uses the private key to decrypt the encrypted content key. Thus, the application discloses the use of a decryption module that decrypts an encrypted content key using a public key to generate a content key. Note the public key is used to decrypt the encrypted content key as the content key is originally encrypted using the public key, see for example paragraph [0026] of the application.

Thus, the limitation of Claim 80 is disclosed in the present application and is not new matter. Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 1, 20, 31 and 50

Claims 1, 20, 31 and 50 stand rejected under 35 U.S.C. § 112 as failing to comply with the written description requirement. This rejection is traversed.

The Examiner alleges that the limitation of "the public key decryption module that controls decryption of said encrypted content key for said secure hard drive using a private key to generate a content key" is new. Applicant disagrees.

Paragraph [0029] explicitly states that the public key decryption module 84 uses a private key of a SOC 70 to decrypt an encrypted content key and outputs a content key. The SOC 70 is a chip of a secure hard drive 32. Thus, this limitation is disclosed in the application.

Reconsideration and withdrawal of this rejection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-10, 13-21, 23-27, 29-40, 42-51, 53-67, 69-79, and 81-86 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sims III (U.S. Pat. No. 6,550,011) in view of

Searle (U.S. Pat. No. 6,683,954). This rejection is respectfully traversed.

A. Sims III and Searle do not show, teach, or suggest the secure hard drive decryption recited in Claim 1.

Claim 1 recites a public key decryption module that controls decryption of an encrypted content key for a secure hard drive using a private key to generate a content key. The private key is generated based on a chip ID of the secure hard drive.

The Examiner admits that Sims III fails to disclose a private key that is generated based on a chip ID. For at least this reason, Sims III also fails to disclose decryption of an encrypted content key using a private key that is generated based on a chip ID of a hard drive.

As best understood by Applicant, Searle discloses the decryption of a key by a client or computer using an identifier that is unique to the computer. The unique ID of Searle is specific to a computer and is used for decryption by a computer. The unique ID of Searle is not used for decryption by a hard drive and is not a chip ID of a hard drive.

The Examiner alleges that the unique ID of Searle is not limited to a computer, but may be unique to other devices. The Examiner refers to col. 6, line 64, of Searle. In col. 6, line 64, Searle discloses that a first key is unique to a client.

The client may be a computer, a PDA device or a MP3 device. See col. 8, lines 10-16 of Searle. There is no suggestion in Searle that the client device is a hard drive. To the contrary, Searle states that the client device (computer or other device) includes a display, an input device, a processor, a communications device, and non-volatile storage, such as a hard drive. See col. 8, lines 19-38 of Searle.

The Examiner alleges that the unique ID of Searle can be a processor ID and refers to col. 7, line 3, of Searle. In col. 7, line 3, Searle discloses that the first key may be a processor ID. The processor referred to by Searle appears to be the processor of a computer or client device, not a chip ID of a hard drive. See col. 8, lines 26-31 of Searle.

Although Searle appears to disclose that the unique ID may be a serial number of a hard drive, a serial number of a hard drive is different than an ID of a chip of a hard drive. A serial number of a hard drive is typically stamped or printed on a housing of the hard drive and is visually accessible and easily determinable. A chip ID corresponds to an internal circuit component of a hard drive and is not visually accessible or easily determinable without at least dismantling the hard drive. A serial number of a hard drive is located on the exterior of a hard drive, whereas a chip ID of a hard drive is internal to the hard drive and/or chip of the hard drive. A

serial number of a hard drive is thus easier to access than a chip ID of a hard drive.

Thus, there is no suggestion in either Sims III or Searle for a hard drive to perform decryption using a chip ID of the hard drive. The decryption of Claim 1 prevents the access of encrypted data by other hard drives. This capability is not disclosed or suggested in Sims III or Searle. Therefore, Sims III and Searle do not disclose each and every element of Claim 1.

B. Sims III and Searle do not show, teach, or suggest the secure hard drive decryption recited in Claim 87.

In addition to the limitations of Claim 1, Claim 87 recites that the chip ID is internally part of a chip of the secure hard drive. This is disclosed in paragraph [0043] of the present application.

The serial number of Searle is easily accessible and may be used by a computer to access information stored on a hard drive obtained from another computer. For example, a second computer that is similar to the first computer (e.g. capable of performing similar encryption/decryption techniques) may decrypt information stored on a hard drive obtained from the first computer using a serial number of the first computer. A serial number of a hard drive may be determined by, for example, visual

inspection of the hard drive and/or removal of the hard drive from a computer. The serial number of Searle is not an internal part of a hard drive.

Therefore, Claim 87 is further allowable for at least the above reasons.

C. Claims 1-78, 80-81 and 83-88 have limitations not taught by either reference.

It is a longstanding rule that to establish a *prima facie* case of obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. In re Royka, 180 USPQ 143 (CCPA 1974). See MPEP §2143.03. For at least the above reasons, Applicant respectfully asserts that Claim 1 defines over the cited art. Claims 20, 31, 50 and 61 define over the cited art for at least similar reasons. Claims 2-19, 21-30, 32-49, 51-60, and 62-78, 80-81, 83-88 ultimately depend from Claims 1, 20, 31, 50 and 61 and are allowable for at least similar reasons.

D. Rejection of Claims 11, 12, 22, 28, 41, 52, 68 and 80.

Claims 22, 52, and 80 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sims III in view of Searle and Heer et al. (U.S. Pat. No. 5,999,629). Claims 11, 41, and 68 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sims III in view of Searle and Nishimoto et al. (U.S. Pat.

No. 7,380,135). Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sims, III in view of Searle and Marsh (U.S. Pub. No. 2003/0195891). Claims 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sims III in view of Searle, Nishimoto, and Marsh.

E. Claims 11, 12, 22, 28, 41, 52, 68 and 80 have limitations not taught by either reference.

Applicant respectfully notes that Claims 11, 12, 22, 28, 41, 52, 68 and 80 depend directly or indirectly from Claims 1, 20, 31, 50 and 61 and are therefore allowable for at least similar reasons as Claims 1, 20, 31, 50 and 61. Applicant's position with respect to Claims 11, 12, 22, 28, 41, 52, 68 and 80 should not be understood as implying that no other reasons for the patentability of Claims 11, 12, 22, 28, 41, 52, 68 and 80 exist. Applicant reserves the right to address these other reasons at a later date if needed.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated April 23, 2009

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